IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE S.SIRI JAGAN

WEDNESDAY, THE 21ST NOVEMBER 2007 / 30TH KARTHIKA 1929

WP(C).No. 28059 of 2007(M)

PETITIONER:

ELIZABETH PHILIP, W/O. GEORGE KOSY
KALLELIL HOUSE, KOLLAKADAV
ALAPPUZHA-690509
(SENIOR LECTURER IN COMPUTER SCIENCE,
COLLEGE OF APPLIED SCIENCE, PAYYAPPADI,
PUTHUPPALLY, KOTTAYAM)

BY ADV. SRI.S.SUBHASH CHAND
SRI.ELDHO VARGHESE

RESPONDENTS:

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1. **STATE OF KERALA REPRESENTED BY THE PRINCIPAL SECRETARY, HIGHER EDUCATION DEPARTMENT, GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM**

2. **INSTITUTE OF HUMAN RESOSURCES DEVELOPMENT, PRAJO'E TOWERS VAZHUTHACAUD, THIRUVANANTHAPURAM REPRESENTED BY ITS DIRECTOR**

3. **THE DIRECTOR INSTITUTE OF HUMAN RESOURCES DEVELOPMENT PRAJO'E TOWERS VAZHUTHACAUD, THIRUVANANTHAPURAM**

4. **THE PRINCIPAL, COLLEGE OF APPLIED SCIENCE, PAYYAPPADI, PUTHUPPALLY, KOTTAYAM-686034**

5. **THE EXECUTIVE COMMITTEE INSTITUTE OF HUMAN RESOURCES DEVELOPMENT PRAJO'E TOWERS, VAZHUTHACAUD, THIRUVANANTHAPURAM REPRESENTED BY ITS CHAIRMAN.**

**6. THE ADDITIONAL CHIEF SECRETARY
HIGHER EDUCATION (J) DEPARTMENT
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM**

**BY GOVERNMENT PLEADER SRI.T.T.MAHMOOD
ADV. SRI.S.SUJIN, SC, IHRD
SRI.N.N.SUGUNAPALAN (SR.)**

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 21/11/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1: COPY OF THE ORDER DATED 7/9/1998 ISSUED BY RESPONDENT No.3.

EXT.P2: COPY OF THE ORDER DATED 24/7/2000 ISSUED BY RESPONDENT No.3

EXT.P3: COPY OF THE ORDER DATED 24/7/2003 ISSUED BY RESPONDENT NO.3.

EXT.P4: COPY OF THE ORDER DATED 23/11/2001 ISSUED BY RESPONDENT No.3

EXT.P5: COPY OF THE ORDER DATED 23/11/2001 ISSUED BY RESPONDENT No.3.

EXT.P6: CIOY OF THE ORDER DATED 15/7/2005 ISSUED BY RESPONDENT No.3.

EXT.P7: COPY OF THE PROVISIONAL CERTIFICATE DATED 22/1/2007

EXT.P8: COPY OF THE COMMUNICATION DATED 30/8/2006 ISSUED BY RESPONDENT No.3 TO RESPONDENT NO.4.

EXT.P8(a): CIOY OF THE RESPRESENTATION DATED 13/9/2006 SUBMITTED BY the PETITIONER (THROUGH PROPER CHANNEL) BEFORE RESPONDENT No.3.

EXT.P9: COPY OF THE COMMUNICATIONDATED 13/10/2006 ISSUED BY RESPONDENT No.3 TO RESPONDENT NO.4.

EXT.P10: CIOY OF THE ORDER/COMMUNICATION BEARING No.CG2/07/CAS DATED 23/1/2007 ISSUED BY RESPONDENT No.4 TO THE PETITIONER.

EXT.P11: COPY OF THE CIRCULAR DATED 11/7/2005 ISSUED BY RESPONDENT No.3.

EXT.P12: COPY OF THE REPRESENTAITON DATED 6/2/2007 SUBMITTED BY THE PETITIONER BEFORE RESPONDENT No.1 (EXECLUDING ANNEXURE)

EXT.P12(a): COPY OF THE REPRESENTATION DATED 6/2/2007 SUBMITTED BY THE PETITIONER BEFORE RESPONDENT No.5 (EXCLUDING ENNEXURES)

EXT.P13: COPY OF THE JUDGMENT DATED 23/3/2007 PASSED BY THIS HON'BLE COURT IN W.P.(C).No.8573/2007.

EXT.P14: COPY OF THE MEMO FOR PERSONAL HEARING DATED 7/5/2007 ISSUED BY RESPONDENT No.3.

EXT.P15: COPY OF THE REPRESENTATION DATED 14/5/2007 SUBMITTED BY THE PETITIONER BEFORE RESPONDENT NO.3.

EXT.P16: COPY OF THE COMMUNICATION/ORDER DATED 11/6/2007 ISSUED BY RESPONDENT NO.6.

TRUE COPY

P.A TO JUDGE

S.SIRI JAGAN,J

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W.P.(C).No.28059 of 2007

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Dated this the 21st day of November, 2007

JUDGMENT

The petitioner challenges Ext.P16 order of the Government which reads thus:

> "I am directed to invite your attention to the reference cited and to inform you that your request for providing the service benefits during the period of Leave Without Allowance cannot be considered."

This order has been passed on Ext.P12 representation filed by the petitioner. Ext.P12 is in 11 pages raising several grounds in support of the petitioners contentions. Ext.P6 does not reveal that any of those contentions have been adverted to. Absolutely no reason whatsoever has been stated in Ext.P16. I am satisfied that this is not the way Government should dispose of a representation. Accordingly Ext.P16 is quashed and the first respondent is directed to pass fresh orders on Ext.P12, dealing with the contentions of the petitioner and giving reasons for such order after affording an opportunity of being heard to the petitioner. Such orders shall be passed within two months from the date of receipt of a copy of this judgment.

The writ petition is disposed of accordingly.

S.SIRI JAGAN, JUDGE

dvs